

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

**UNITED STATES OF AMERICA and
PEOPLE OF THE VIRGIN ISLANDS,**

v.

DAMIAN LANG, SR.,

Defendant.

Criminal Action No. 2015-0013

Attorneys:

Rhonda Williams-Henry, Esq.,
St. Croix, U.S.V.I.
For the Government

Pamela L. Colon, Esq.,
St. Croix, U.S.V.I.
For Defendant

ORDER

UPON CONSIDERATION of Defendant Damian Lang Sr.’s (“Defendant”) Motion to Suppress-*Franks* Challenge (“Motion to Suppress”) (Dkt. No. 130); the Government’s Opposition to Defendant’s Motion to Suppress (“Opposition”) (Dkt. No. 146); Defendant’s Reply to the Government’s Opposition (“Reply”) (Dkt. No. 150); the supplemental briefing submitted by the parties following a substitution in defense counsel (Dkt. Nos. 214, 222, 225); and testimony and argument presented during the hearing on Defendant’s Motion to Suppress on February 12, 2019; and for the reasons set forth in the Memorandum Opinion filed contemporaneously herewith; it is hereby

ORDERED that Defendant’s Motion to Suppress (Dkt. No. 130) is **DENIED**; and it is further

ORDERED that the portion of Defendant’s Motion to Suppress grounded in the argument that the Government’s evidence is insufficient to establish Defendant’s constructive possession of

the ammunition discovered in his residence is **DENIED WITHOUT PREJUDICE**; and it is further

ORDERED that the portion of Defendant's Motion to Suppress grounded in the argument that information in the affidavit in support of probable cause was stale is **DENIED**; and it is further

ORDERED that the portion of Defendant's Motion to Suppress grounded in the argument that the search warrant for his residence was not supported by probable cause is **DENIED**; and it is further

ORDERED that Defendant's request for a *Franks* hearing is **DENIED**.

SO ORDERED.

Date: March 15, 2019

_____/s/_____
WILMA A. LEWIS
Chief Judge